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IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 10-0132

ROBERT JAMES COOK,
Appellant, Petitioner
v.

DIANA MCCLAMMY,
Appellee, Respondent.

MOTION TO ADD CHILD SUPPORT ENFORCEMENT TO CAPTION
AND REQUEST THAT COPIES OF TRANSCRIPT SENT(via certified
mail) TO THE ATTORNEY GENERAL, THE CSED ADMINISTATOR
AND ATTORNEY SUFFICES FOR RECORD

COMES NOW, Robert James Cook, appearing pro se, and hereby moves this court pursuant to Rule 2(4) of the Rules of Appellant Procedure to modify the caption of this appeal by adding the Montana Child Support Enforcement CSED as a party. The Appellant further requests the Supreme Court clarify if his mailing(via certified mail) the Attorney General, the CSED attorney and Administrator copies of the transcript suffices for the record. I spoke with Mr. Ferguson, attorney for Mcclammy, on this date, and he stated he has received a copy from the court of the transcript.

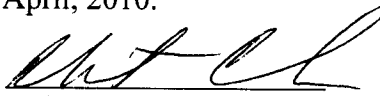
The reasons for this motion are: 1) the Appellant received the District Court's Supreme Court checklist on April 23, 2010 and per the checklist, the Attorney General or the CSED administrator or the CSED attorney were not sent copies of the transcript, 2)

because some of the issues on appeal are in direct relation to the CSED Sharon Anderson's voluntary appearance, 3) the CSED attorney, the attorney general and the CSED administrator were all served, and sent the original NOTICE OF APPEAL per the Appellant's certificate of service at filing and all were properly served pursuant to the Rules of Civil Procedure in District Court, 4) that one of the issues on appeal involves the CSED's reliance on MCA §40-4-910 and the constitutionality of that statute. Based on these reasons the Appellant asks this court grant his motion to add CSED to the caption.

The reason the Appellant asks this Court to clarify if his sending the transcript copies to the other parties suffices is he is unsure if the District Court's checklist is part of the record, if so, if it was the District Court clerks duty to send transcript copies to the other parties per the Appellant's certificate of service in his Notice of Appeal and Request For Transcript which included the Attorney General, CSED attorney and administrator. Also the Appellant wants to save time and avoid the transcript being returned to district court for copies to be sent. Pursuant to Rule 8((2) of Appellate Procedure, it is the Appellant's duty to make sure the record on appeal is sufficient. The CSED attorney and administrator and attorney general were all served in this matter in the District Court setting and the CSED appeared voluntarily but it claims special appearance which is also one of the issues in this matter.

Based on foregoing the Appellant moves this court to modify the caption of the appeal to include the CSED and decide if the mailing of the transcript to the additional parties suffices to make sure the record on appeal is sufficient.

Dated this 26th day of April, 2010.


Robert James Cook

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing Motion with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing Motion on each party served in this matter, each attorney of record, and each party not represented by an attorney in the above-referenced action, as follows:

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Dated this 26th day of April, 2010


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